

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ANTHONY GARVINS,

Plaintiff,

v.

Case No. 2:07-cv-174
HON. R. ALLAN EDGAR

DAVE BURNETT, et al.,

Defendants.

OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on February 12, 2009. The Report and Recommendation was duly served on the parties. The Court has received objections from plaintiff. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Plaintiff argues that he filed and exhausted his grievance remedies against defendant Burnett. The grievances attached to plaintiff's objections fail to show that plaintiff properly exhausted his claims against defendant Burnett. Plaintiff has not shown that he properly filed a Step I grievance against defendant Burnett. In addition, plaintiff has failed to support his retaliation claims against defendant Vilgos. Similarly, plaintiff has not established a violation of the Religious Land Use and Institutionalized Persons Act, based upon the denial of a strict vegetarian meal especially when plaintiff already has access to a vegetarian meal. Plaintiff has not shown that the

vegetarian meal fails to accommodate his beliefs. Finally, plaintiff has failed to show an Eighth Amendment violation as a result of alleged ETS exposure. Plaintiff has not shown that he was exposed to unreasonable amounts of ETS or that any defendant was deliberately indifferent to his Eighth Amendment needs.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (Docket #164) is approved and adopted as the opinion of the Court.

Dated: 3/12/09

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE